

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
N & W/S Hillendale Rd. 14 ft. opposite c/l of Orlando Rd.
8002 Hillendale Road
9th Election District
4th Councilmanic District
Kevin M. Smith, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-61-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 6 ft. (porch) in lieu of the required 10 ft., as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of Sept. 1991 that the Petition for a Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 6 ft. (porch) in lieu of the required 10 ft., in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

CORDER RECEIVED FOR FILING
Date 9/22/91
By L. E. Schmidt

LES:mmn

-2-

PETITION FOR RESIDENTIAL VARIANCE

TO THE HONORABLE COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

1802.3.C.1 - to allow a side yard setback of 6' in lieu of the minimum required 10'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty):

In order to gain access to the back of the house from the 1st floor, a person must exit through the kitchen door which is located on the side of the house. To properly construct my proposed porch, I must allow for a 5' clearance to open the kitchen door.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

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City/State/Zip Code

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AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es)/do presently reside at 8002 Hillendale Rd.
Baltimore, Maryland 21234
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

In order to gain access to the back of the house from the 1st floor, a person must exit through the kitchen door which is located on the side of the house. To properly construct my proposed porch, I must allow for a 5' clearance to open the kitchen door.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a repeating and advertising fee and may be required to provide additional information.

Madeline E. Smith

Affiant (Handwritten Signature)

Kevin M. Smith

Affiant (Printed Name)

Kevin M. Smith

Affiant (Handwritten Signature)

Kevin M. Smith

Affiant (Printed Name)

I HEREBY CERTIFY, this 8th day of August, 1991, before me, a Notary Public for the State of Maryland, in and for the County of Baltimore, personally appeared

KEVIN M. SMITH AND MADIE E. SMITH AND DAVID L. SMITH JR.

the Affiant(s) herein, personally known and satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters and facts hereinbefore set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

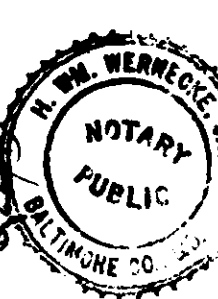
August 8, 1991

DATE

Madeline E. Smith

Notary Public

My Commission Expires: May 1, 1992



Zoning Description

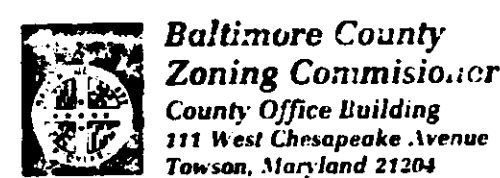
Beginning at a point on the West side of Hillendale Rd. 14 ft. North of and opposite the centerline of Orlando Rd. Being known as lot nos. 659 & 660 in the subdivision of Hillendale Park as recorded in Baltimore County Plat Book no. 9 folio 10 containing .32 acre of land. Also known as 8002 Hillendale Rd. and located in the 9th Election District.

92-61-A

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9th Date of Posting 8/22/91
Posted for Variance
Petitioner Kevin M. Smith, et al.
Location of property 14 ft. N. of Orlando Rd. in the 9th Election District
Location of Sign 8002 Hillendale Rd.
Remarks Posting Hillendale Rd. 14 ft. N. of Orlando Rd. in the 9th Election District
Posted by L. E. Schmidt Date of return 8/22/91
Number of Signs 1



Date

Account R-001-6150
Number

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Please Make Check/Deposit to Baltimore County \$60.00
BN 009107A08-12-91

receipt

Baltimore County
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

September 19, 1991

Mr. and Mrs. Kevin M. Smith
8002 Hillendale Road
Baltimore, Maryland 21234

RE: Petition for Residential Zoning Variance
Case No. 92-61-A

Dear Mr. and Mrs. Smith:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt

Lawrence E. Schmidt

Zoning Commissioner

LES:mmn
encl.
cc: Peoples Counsel

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: October 3, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: August 27, 1991

This office has no comments for item numbers 53, 64, 65, 66, 67, 68, 69, 70, 71, 74, 75, 76, 77, 78, 79 and 80.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: KEVIN M. SMITH
Location: #8002 HILLENDALE ROAD
Item No.: 64 Zoning Agenda: AUGUST 27, 1991

Gentlemen:
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *A. J. [Signature]* Noted and Approved *W. T. [Signature]*
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
TO: Arnold Jablon, Director DATE: September 4, 1991
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for August 27, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 53, 62, 64, 65, 66, 68, 70, 71, 72, 75, 76, 77, 79, 79 and 80.

For Item 67, this site must be submitted through the minor subdivision process for review and comments.

For Item 69, if maintenance or repair is required on the existing 15-inch drain along the east property line, Baltimore County may require the removal of the car port at the owner's expense.

For Item 74, this site is subject to the previous minor subdivision comments.

Robert W. Bowling
ROBERT W. BOWLING, P.E., M.A.S.E.
Developers Engineering Division

RWB:s

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 13, 1991
Zoning Administration and Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: HELBING Property, Item No. 53
Smith Property, Item No. 64
McClure Property, Item No. 65
Boehnlein Property, Item No. 66
Marx Property, Item No. 68
Buie Property, Item No. 69
Pulaski Property, Item No. 70
Wollschlager Property, Item No. 72
Bray Property, Item No. 74
Graves Property, Item No. 75
Sylvia Property, Item No. 76
Long Property, Item No. 78
Pearl Property, Item No. 79
Casey Property, Item No. 80
Edwards Property, Item No. 81
Tyson Property, Item No. 85
Skidmore Property, Item No. 88
Williams Property, Item No. 89
Restivo Property, Item No. 90
Didier Property, Item No. 97
Wesolowski Property, Item No. 102
Griffin Property, Item No. 103
Burgwin Property, Item No. 104
Ghent Property, Item No. 110
Lingg Property, Item No. 111
Bates Property, Item No. 112
Bond Property, Item No. 115

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn
ITEM47/TXTROZ

Rec
9/16/91

92-61-A 9/15
BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
September 27, 1991
RECEIVED
OCT 1 1991
TO: ZONING COMMISSIONER, DEPARTMENT ZONING
FROM: RICHARD F. SEIM, PLANS REVIEW CHIEF,
DEPARTMENT OF PERMITS & LICENSES
SUBJECT: ZONING ITEM #: 64
PROPERTY OWNER: Kevin M. Smith, et al
LOCATION: N & W/S Hillendale Road, 14' opposite
centerline of Orlando Road (#8002 Hillendale Road)
ELECTION DISTRICT: 9th
COUNCILMANIC DISTRICT: 4th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.02.02, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- () PARKING LOCATION () RAMPS (degree slope)
- () NUMBER PARKING SPACES () CURB CUTS
- () BUILDING ACCESS () SIGNAGE
- () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- (X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 517.0 COUNCIL BILL #192-90 (BALTIMORE COUNTY BUILDING CODE).
- () OTHER -

PERMITS MAY BE APPLIED FOR 8 ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1990 NATIONAL BUILDING CODES AS ADOPTED BY COUNTY COUNCIL BILL #192-90 EFFECTIVE 1/13/91

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

August 21, 1991

Kevin M. and Nadine E. Smith
8002 Hillendale Road
Baltimore, Maryland 21234

Re: CASE NUMBER: 92-61-A
LOCATION: N & W/S Hillendale Road, 14' opposite of Orlando Road
8002 Hillendale Road

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before September 1, 1991. The closing date is September 16, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens
(301) 887-3391

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing
PROPERTY ADDRESS: 8002 Hillendale Rd
Subdivision name: Hillendale Park
plat books 9-10, folios 10, lot # 67, section # 25
OWNER: Kevin Smith, Nadine Smith, David L. Smith Jr.
see pages 5 & 6 of the CHECKLIST for additional required information
LOCATION INFORMATION
Councilmanic District: 4
Election District: 9
1"=200' scale map: NE 8-4
Zoning: D.R. S-5
Lot size: 32 acreage 13,237.45 square feet
SEWER: ☒ WATER: ☐
Chesapeake Bay Critical Area: ☒
Prior Zoning Hearings: NONE
Zoning Office USE ONLY!
reviewed by: *[Signature]* ITEM #: 64 CASE#: 92-61-A
date: 8/17/91 prepared by: Kevin Smith Scale of Drawing: 1"=40'

CASE NUMBER

PETITIONER'S EXHIBIT #



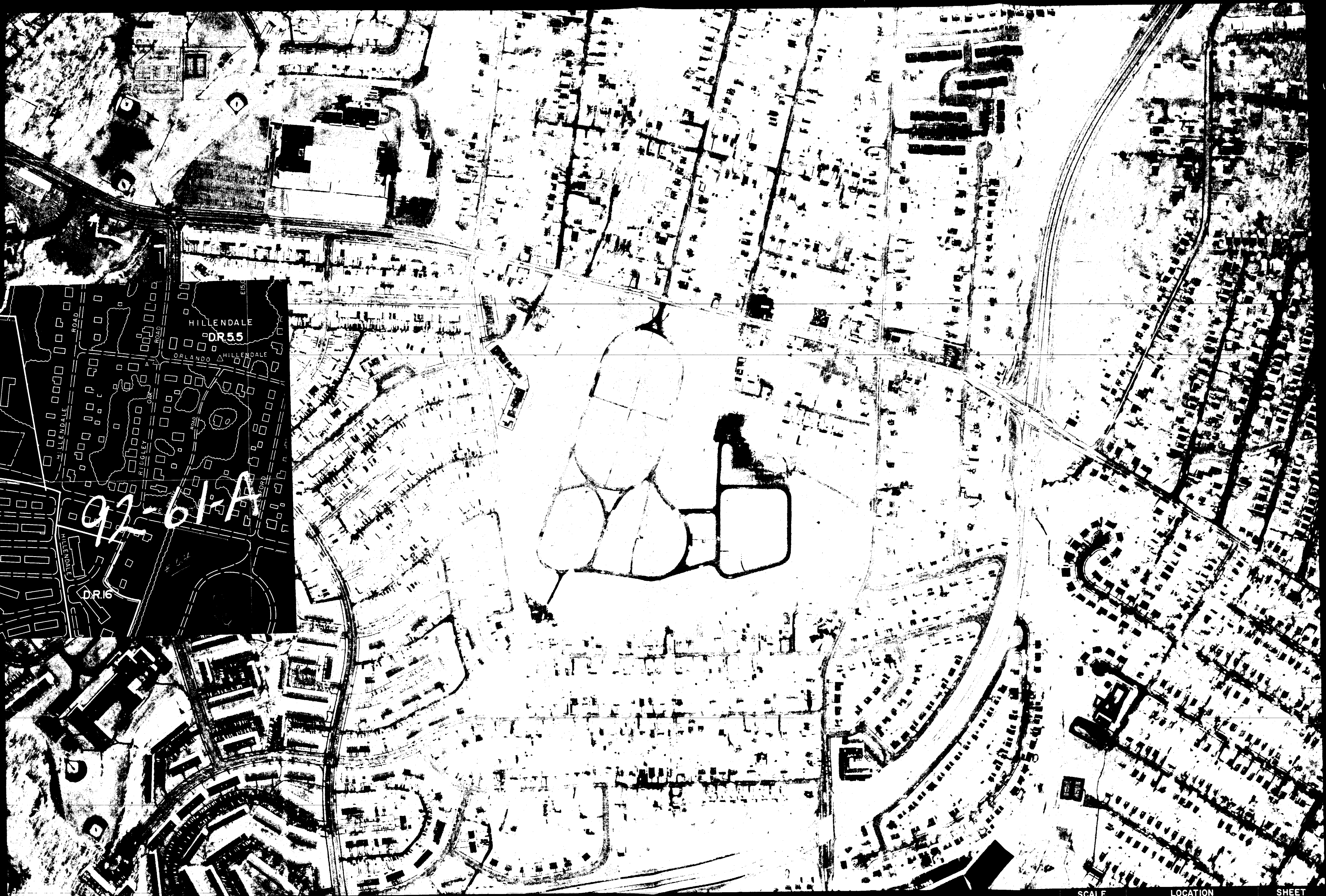
CASE NUMBER

PETITIONER'S EXHIBIT #





92-61-A



#64

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	HARFORD PARK	N.E. 8-C
DATE OF PHOTOGRAPHY JANUARY 1986	92-61-A	